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REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
IBT1.065

In re Application of: Roy CONIGLIONE and John RUSSELL

Application No.: 10/614.696

Filed: July 7, 2003

For: Polymeric-matrix brachytherapy sources

The owner, International Brachytherapy s.a., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,589,502 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer." In the event that said prior patent later:

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- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 24,404

/Gerry Jay Elman/

April 18, 2005

Signature

Date

Gerry J. Elman

Typed or printed name

610-892-9942

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Roy Coniglione and John Russell

Application No./Patent No.: 10/614,696 Filed/Issue Date: July 7, 2003

Entitled: Polymeric-matrix brachytherapy sources

International Brachytherapy s.a.

a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Roy Coniglione/John Russell To: IBT Technology Partners
The document was recorded in the United States Patent and Trademark Office at
Reel 014691, Frame 0329, or for which a copy thereof is attached.
2. From: IBT Technology Partners To: International Brachytherapy s.a.
The document was recorded in the United States Patent and Trademark Office at
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Gerry Jay Elman/

April 18, 2005

Signature

Date

Gerry J. Elman, Reg. no. 24,404

610-892-0942

Printed or Typed Name

Telephone Number

Attorney of Record

Title

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